



ADMINISTRATIVE DECISION FOR SHORT SUBDIVISION

CASE: File # 2022-SP-0001

APPLICANT: Misic
17628 25 AVE NE
Lake Forest Park, WA 98155

REQUEST: Subdivide existing parcel into 2 lots for single family home development.

SITE ADDRESS: 5104 NE 187 ST
Lake Forest Park, WA 98155

APPLICATION DATES: Application Submitted: 12/21/2022
Date of Complete Application: 1/19/2023
Posted for 14-day Notice of Application: 1/26/2023
Decision Issued: June 3, 2024

COMPREHENSIVE PLAN: Single Family Residential; High

ZONING: RS 7.2

APPLICABLE REVIEW PROVISIONS:

- Chapter 17.12 LFPMC- Short Subdivisions and Dedications
- Chapter 16.14 LFPMC- Tree Canopy Preservation and Enhancement
- Chapter 16.26 LFPMC- Land Use Decisions and Procedures

- Chapter 18.22 LFPMC- RS-7.2 Single Family Residential, High

ENVIRONMENTAL DETERMINATION: Exempt pursuant to WAC 197.11.800(6) (d)

ASSIGNED STAFF: Mark Hofman
Community Development Director

DECISION: Approve with conditions

I. APPLICATION TIMELINES

- On 12/29/2022 the applicant applied for the short subdivision.
- On 01/19/2023, the City determined the application complete, and started the required notice of application process.
- On 03/23/2023, the City requested additional information from the applicant citing inconsistencies with municipal regulations;
- On 06/16/2023, the applicant responded to the comments from the City with additional information.
- On 01/25/2024, the City requested additional information from the applicant citing inconsistencies with municipal regulations.
- On 02/12/2024, the applicant responded to the comments from the City with additional information.
- On 03/22/2024, the City requested additional information from the applicant citing inconsistencies with municipal regulations.
- On 04/19/2024, the applicant responded to the comments from the City with additional information.

II. SITE DESCRIPTION and CHARACTERISTICS

Site location & access

The subject site is located on the north side of NE 187 ST, at approximately 49 PL NE. The property has an existing gravel driveway directly off of NE 187 ST, which functions as the access to the existing garage. The existing garage will be demolished for this project.

Existing site conditions

The site currently has one single family home, which is accessed from the existing gravel driveway off of NE 187 ST. The existing home will be retained as a part of this project, but the existing driveway will be reconfigured. There is an existing detached garage located northeast of the existing home, which will be demolished for this project. Building setbacks, as well as lot coverage, for the existing home, and detached garage comply with zoning code standards. The existing topography descends generally from northwest to southeast, with an estimated two to three feet of elevation change across the parcel.

III. PROJECT DESCRIPTION

- a. Parcels/Tracts: This project is located in the RS 7.2 zone. The proposal is to subdivide the property from one parcel into two, with lot (A) totaling 10,934 square feet; lot (B) totaling 8,463 square feet. A 20-foot-wide joint use driveway/access and utility easement is planned to be located on both lot (A) and lot (B) as it will straddle the common property line, for the purpose of access to each lot. Access to the existing home on lot (A) will be from a newly proposed driveway. New driveway access to lot (B) is also proposed. Both new driveways will originate from the 20-foot-wide joint use driveway.
- b. Proposed Buildings: The project will consist of 1 new single-family home to be located on lot (B). The permittee intends to retain the existing single-family home located on lot (A) and apply for future permits to construct a potential detached garage. All existing and future buildings will be limited to 35 percent coverage on each parcel. Any future accessory structures shall comply with the regulations for such, currently contained in LFPMC 18.22.060. Separate permits will be required for each structure, at which time compliance with area and bulk regulations of the zone will be determined.
- c. Access: The site is accessed directly off NE 187 ST. Lots (A) and (B) will gain access via a proposed 20 foot wide joint use driveway/access and utility easement located on lot (A). All paved access ways, walkways, and other impervious surfaces on each lot shall comply with the 45% maximum in the RS 7.2 zone, a calculation that will be performed at each building permit application.
- d. Frontage & Street Improvements: Currently there are no pedestrian improvements within the neighborhood, so frontage improvements in the form of a curb and gutter, and 5 foot wide sidewalk will be required. The right of way will be improved with these facilities and include driveway approaches (in the appropriate location), along the length of the parcel being developed. These improvements are shown in concept on sheet S1 (Exhibit 2).
- e. Parking: On-site parking is proposed based on the ratio listed in LFPMC 18.58.030 where 2.0 spaces per single family dwelling unit are required. The new home to be located on lot (B) is anticipated to have a 2 car garage, while the existing home on lot (B) has sufficient area on-site for surface parking.
- f. Stormwater & Drainage Plan: Stormwater runoff from the houses and the paved driveway areas will be directed to underground infiltration facilities to the maximum extent feasible. Additional runoff from the driveway not able to be mitigated will be collected and discharged into the existing drainage system within NE 187th St., where the ultimate discharge will be Lyon Creek.

g. **Wet and Dry Utilities:** All habitable units in the short subdivision shall be connected to a public water system capable of providing water for health and emergency purposes, including adequate fire protection, consistent with the City's comprehensive water system plan. The water provider is the Northshore Water District, and the sewer will be provided by the City of Lake Forest Park. The applicant has obtained the proper availability certificate for water from Northshore Water District, and the Lake Forest Park City Engineering Division has issued a certificate for sewer availability. Water services for each lot have not been designed, and will require additional coordination with the water provider. The applicant will be required to show fully engineered designs for water systems with the applications for plat construction level permits as a condition of this decision. Sewer services have not yet been designed. The applicant will be required to show fully engineered designs for sewer systems with the applications for plat construction level permits as a condition of this decision.

All habitable units in the short subdivision shall be served by an approved means of wastewater collection and treatment, consistent with the City's comprehensive sewer plan.

Cable, gas, power, and other typical utilities are available to the site via existing services. Alterations to utility services, and specific connections to this project will be evaluated during the permitting process, and construction design. All civil improvements on site are required to be specifically evaluated through the permit application process, and be consistent with the concepts represented in this short subdivision application (condition of approval). Each individual unit will store their own respective trash bins within their specific unit, and transport the bins to the right of way upon trash collection.

h. **On-site Vegetation and Trees:** The applicant has applied for a tree removal permit in conjunction with the application to subdivide the property. The tree removal application shall only cover that work specific to site preparation, and the installation of site infrastructure to support the project (see exhibit 1). The issuance of this permit shall be in conjunction with the site infrastructure/civil permits.

LFPMC 16.14.070 (A) - Table 2 indicates tree canopy requirements for parcel (B) to be 28% of the parcel's area, and 39% of lot (A)'s area, based on each lot's square footage. The applicant will be required to plant trees on each lot to arrive at the required tree canopy goal for each parcel. These trees will be contained in a Tree Conservation Easement (TCE), an area which will be represented and recorded as a part of this land use action (condition of approval). Also, to improve the overall health of the Tree Conservation Easements (TCE), and to promote long-term sustainability of the conservation easements, a condition to remove invasive species included on the King County Noxious Weed List shall be incorporated in this decision. This shall be done by hand taking care not to disturb the native understory plants.

- i. Critical Areas: Applicant has disclosed that there are no critical areas present on the site.

IV. SHORT SUBDIVISION REVIEW REQUIREMENTS.

The design standards and criteria for approval of short subdivision are specified in LFPMC Section 17.12.050 (A) through (D). The Applicant is required to demonstrate compliance with those elements listed under subsection (A), through (D). Those requirements, along with staff's findings and conclusions for each requirement, are as follows:

17.12.050 Design Standards.

- A. *The proposed subdivision shall comply with the comprehensive plan and the zoning ordinance.*

Findings: The application as submitted complies with the City's Comprehensive Plan and all related elements, specifically those elements relating to :

- Goal LU-1: This project contributes to the City's goal to provide a development pattern that preserves the character of Lake Forest Park while allowing for a variety in new development. The proposed units will fit with the existing character of the neighborhood, and provide for increased tree canopy, in total. The resulting development will be an outcome that preserves the existing character within the City and this area specifically.
- Goal U-2: This project provides for an extension of water, sewer, and storm services for the site itself. Policy UT-2.3 encourages coordination between utility providers during the review process of development projects. Northshore Water District has, through the concepts submitted in Exhibit 2, have conceptually approved the designs for water service, with new services to be fully designed during the engineering stage of the plat. Sewer services have not yet been designed, but the applicant's engineer has shown sewer concepts which have been verified as available from the City's Engineering Division. All utilities will be fully engineered and designed during the construction portion of this plat, and through applications for utility installation.
- Goal H-1: This project facilitates infill development by dividing an additional urban parcel. Development of this parcel will contribute to needed additional housing stock, which will support the City's population growth, and target housing needs.

Conclusion: This specific design standard, as conditioned, has been satisfied.

B. Curb, gutter, pavement, and storm drainage facilities may be required at the discretion of the administrative official to prevent stormwater erosion and damage.

Findings: Storm drainage facilities will be installed on each individual parcel. Stormwater runoff from the houses and the paved driveway areas will be directed to underground infiltration facilities to the maximum extent feasible. Additional runoff from the driveway not able to be mitigated will be collected and discharged into the existing drainage system within NE 187th St., where the ultimate discharge will be Lyon Creek.

This project will be required to construct stormwater related frontage improvements along 30th Ave NE Street for the length of the parcel. The improvements will be conditioned as a part of this decision, and include an extruded curb and gutter. All improvements shall be constructed in the City's right of way. If right of way dedication is required to perform the improvements, it shall occur with the recording of this subdivision.

All improvements associated with this decision shall be separately permitted and constructed. When the improvements specified are installed and accepted by the City, the permittee may submit final surveys for review, to record the subdivision. The permittee may also have the option to financially secure the improvements for the purpose of recording the subdivision, the amount for which shall be based on City approved construction designs (condition of approval).

Conclusion: This specific design standard, as conditioned, has been satisfied.

C. The proposed subdivisions shall provide necessary utility and drainage easements and the grantees thereof shall agree in writing to restore the easement rights-of-way to their original condition after any installation, maintenance or repair.

Findings: The design has provided for a 20 foot wide access and utility easement through lot A, which will accommodate lot B. This is to remain unchanged. A condition of this decision will be for restoration of the easements, and rights of way to their original condition after any installation, maintenance, or repair that may occur during this project.

Conclusion: As conditioned, this specific design standard has been satisfied.

D. The administrative official may require additional information from the applicant to determine whether the project must be reviewed under the provisions of the State of Washington Environmental Protection Act (Chapter [43.21C](#) RCW) and as the same may be amended and supplemented from time to time. Preliminary approval of the subdivision shall not be given until all requirements of the Act are

fulfilled. If a stream or natural drainage may exist in the proposed subdivision it shall not be altered until an assessment is made of potential environmental effects.

Findings: This project is categorically exempt from SEPA.

There are no streams, or natural drainage ways present on either parcel.

Conclusion: This criteria has been satisfied.

The fees and approval procedures for short subdivision are specified in LFPMC Section 17.12.060 (A) through (D). The City is required to demonstrate compliance with those elements listed under subsection (A), through (D). Those requirements, along with staff's findings and conclusions for each requirement, are as follows:

- A. *The person proposing to subdivide shall pay a fee as established periodically by city council resolution.*

Findings: The applicant paid the required fees at the time of application. A receipt has been provided for those fees paid.

Conclusion: The fee was paid so approval procedure has been satisfied.

- B. *The administrative official, together with the planning commission chairman shall approve or disapprove the short subdivision if the application is in proper form and the short subdivision complies with the foregoing.*

Findings: State law requires short subdivision approval to be administrative. In order to be in compliance with this, the administrative official no longer consults with the Planning Commission Chair permitting issues. Administrative review of the short subdivision application has occurred, and along with the specified conditions, it has been administratively approved. Provisions for public safety, health, and welfare have been analyzed and found to be compliant with standard. Provisions for safe walking to area schools, or school transportation facilities. Information on the project's utility and improvements has been evaluated as well, and conditioned to comply with applicable municipal provisions.

Conclusion: This approval procedure has been satisfied.

- C. *Action will ordinarily be taken on subdivisions of this type within 20 days from the date the application is filed. No construction of structures, utilities, grading or excavation shall be allowed prior to the official approval of the subdivision.*

Findings: This application was deemed complete on 01/19/2023, and the required notice of application was posted on 01/26/2023. The comment period lasted 14

days, and staff review of the subdivision application occurred during and beyond this timeline. No structures, site work, utility installations has occurred on the site to this point. The applicant has authorized the city to exceed the 120-day processing timeline pursuant to LFPMC 16.26.040 (F) (2) (d).

Conclusion: This approval procedure has been satisfied.

D. If the necessary criteria have not been complied with, the administrative official, together with the planning commission chairman may either disapprove the application or require that the applicant make necessary changes which would cause them to give their approval.

Findings: During the administrative review process, requests for revisions to the project's design was facilitated by City staff, and the City's consultants. The applicant provided responses to these items, and revised plans which addressed staff's concerns. The end product is a design that can be conditioned to meet all applicable City ordinances. A condition is placed on the project for short plat recording to comply with sections LFPMC 17.12.080. Recording shall occur after the required improvements are installed, or, after the City approved design for improvements has been bonded.

Conclusion: This approval procedure has been satisfied.

V. PUBLIC NOTIFICATION AND INPUT

A notice of application was posted on the subject site and in official public places on 01/26/2023. Public comments from an area citizen were received regarding the proposal, and are referenced as Exhibit 4. The comment indicated the citizen's concern over tree removal and building height. Staff has considered the comments while drafting the decision and creating the conditions of approval. The notice of decision to approve for this project was published and posted June 03, 2024.

VI. SUMMARY CONCLUSIONS

Staff has reviewed the proposal for general conformance with city codes and ordinances and the requirements set forth herein, and has provided findings in response to each requirement. Based upon said findings, staff concludes that the short subdivision as described herein conforms to the criteria for short subdivisions as defined in LFPMC Section 17.12. Any Conclusion of Law deemed to be a Finding of Fact is hereby adopted as such.

VII. CONDITIONS

In consideration of the above findings of fact and conclusions, the proposed short subdivision is hereby granted summary approval, subject to the following conditions:

1. The permittee shall apply for all necessary permits to perform the work shown in concept on Exhibit 1- Civil plans, associated with the approval in this decision. This includes all work on-site.
2. All easements and rights of way altered as a part of this project shall be restored to original condition prior to final occupancy.
3. The permittee shall submit a short plat map for recording based on the requirements in LFPMC 17.12.080, after the required improvements are installed or fiscally bonded. All bonds shall be based on the market value of labor and materials for construction costs, and reflect City approved construction designs for on-site work.
4. The permittee shall provide a conformed copy of the recorded plat to the City.
5. The permittee shall represent each tree protection area (TCE 1 and TCE 2) as a tree conservation easement, and record this feature on the recording document. Each lot shall meet its designated tree canopy minimum percentage and a tree permit shall be required for all tree removal/planting.
6. The permittee shall strictly follow all recommendations in the geo-technical memorandum (Exhibit 5).
7. Any new excavation, or plat infrastructure shall occur outside of any Tree Conservation Easement boundaries.

IX. ATTACHMENTS

The following documents are attached to or referenced, and made a part of this report:

Attached:

Exhibit 1: Civil plans

Exhibit 2: Short Plat Survey

Exhibit 3: Tree inventory

Exhibit 4: Public comment from Kara Babb

Exhibit 5: Geo-technical memorandum from Earth Solutions NW LLC

Referenced:

- Water availability certificate date stamped 10/25/2022
- Sewer availability certificate date stamped 11/17/2022
- Soil report by Earth Solutions NW LLC
- Technical Information Report by Core Design; Title report date stamped June 8, 2023 by the City of Lake Forest Park
- Arborist Report from Greenforest Incorporated
- Neighborhood meeting materials
- Civil plans date stamped, sheets.
- Short Plat Survey from Core Design

Staff Signatures:

Name & Title:

Mark Hofman, Community Development Director

Issued Date: June 03, 2024

X. APPEALS

This decision may be appealed by the applicant or any party of record under the provisions of LFPMC Section 16.26.190. Appeals must be submitted in writing.